

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ZO SKIN HEALTH, INC., a California  
Corporation;

Plaintiff,

vs.

JOHN DOE, an individual, and DAVID  
OSTAD, an individual;

Defendants.

**8:20CV85**

**ORDER**

This matter comes before the Court on Defaulted Defendant's, David Ostad's, motion to extend time for filing a notice of appeal. [Filing No. 32](#). Under Federal Rule of Appellate Procedure 4(a), the district court may extend the time to file a notice of appeal if a party is not moving ex parte, moves within 30 days after the time to file an appeal expires, and shows excusable neglect or good cause. [Fed. R. App. P. 4\(a\)\(5\)\(A\)](#); *accord Lowry v. McDonnell Douglas Corp.*, 211 F.3d 457, 462 (8th Cir. 2000). Ostad filed within 30 days of the expiration of the original 30-day appeal window, indicates he provides notice to Plaintiff, and states he was on a business trip and did not see the mailed order until his return. The Court finds Rule 4(a)(5)(A) is satisfied, good cause and excusable neglect exist, and Ostad should be granted the extension he seeks. The Court can grant an extension not to exceed the later of 30 days after the prescribed time or 14 days from the order granting the extension. [Fed. R. App. P. 4\(a\)\(5\)\(C\)](#). Accordingly,

IT IS ORDERD

1. Defaulted Defendant's, David Ostad's, motion to extend time for filing a notice of appeal, [Filing No. 32](#), is granted.

2. Ostad shall file his notice of appeal within 14 days of the date of this Order.

Dated this 8th day of April, 2024.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge